

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-12011 of 2020 (O&M)
Date of Decision: July 15, 2020

██████████Petitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. R.S. Manhas, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Amit Mehta, Sr. DAG, Punjab puts in appearance on behalf of the State on his own.

Petitioner ██████████ has come up in this first anticipatory bail in case bearing FIR No. 19 dated 11.03.2020 under Sections 420 and 120-B IPC registered at Police Station Ajitwal, District Moga.

The allegations against petitioner has come about by ██████████ alleging that ██████████ and her father

present petitioner [REDACTED] as per the arrangement entered between the two sides married [REDACTED] with [REDACTED] [REDACTED] on 12.08.2018. In the light of the arrangement that was made between the parties the boy side the present complainant was to spend money to facilitate immigration of the couple to Canada. The wife [REDACTED], thereafter, went to Canada after the complainant side had incurred Rs.28/30 lakhs but did not call the husband to Canada leading to the registration of the present case against petitioner alleging that they have been deceived.

Shri R.S. Manhas, learned counsel for the petitioner *inter alia* contends that it is a pure matrimonial dispute as the parties have entered into a wedlock and it was by sheer providence the boy did not qualify for immigration and, therefore, cannot be given the colour of criminality and has sought to denounce the applicability of Section 420 IPC.

Mr. Amit Mehta, Sr. DAG, Punjab has strongly opposed the prayer on the grounds that the accused side has committed a serious fraud with the complainant party and that the custodial interrogation is very much essential. The State counsel has sought to claim that they have refused to even refund back the money which was spend on the immigration of the girl to Canada.

Appreciating the submissions, admittedly, the couple has entered into a wedlock. The girl has been successful in

migrating to Canada and the boy has failed to do so and apparently appears to be a matrimonial dispute. Keeping in view such like matters whereby marriages are given contractual tinge and are getting rampant notoriety in the State of Punjab, However, the Courts cannot not shut its eyes to such shocking reality whereby marriages are being relegated to contracts for attainment of such sinister designs and, thus, a debatable issue arises over the very applicability of Section 420 IPC and his joining the investigation would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investing officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off, accordingly.

July 15, 2020**(FATEH DEEP SINGH)**

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No